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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------------|------------------------------|------------------|
| 09/812,235 | 03/19/2001 | William S. Hurst | CRTS-5681 (1417A P 574)/1 | 9437 |
| 7590 | 06/29/2005 | | EXAMINER CHAN, KO HUNG | |
| Joseph B. Barrett, Esq. BAXTER HEALTHCARE CORPORATION Corporate Research & Technical Services One Baxter Parkway, DF3-3E Deerfield, IL 60015 | | | ART UNIT 3632 | PAPER NUMBER |
| DATE MAILED: 06/29/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|------------------------------|--|
| Office Action Summary | Application No. 09/812,235 | Applicant(s) HURST ET AL. | |
| | Examiner Korie H. Chan | Art Unit 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/25/05
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 18-33 and 35-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39 is/are allowed.
- 6) ☒ Claim(s) 1-12, 18-31, 33, 35-38 and 40-48 is/are rejected.
- 7) ☒ Claim(s) 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 28, lines 1 and 2, "a container hanger connected to a top portion of the flexible container" is redundant recitation which is already found in claim 18 resulting in terms lacking antecedent basis.

Claim Rejections - 35 USC § 102

Claims 12, 21-23, 36, 37, and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Thiekoetter (German publication no DE 29912079). Thiekoetter discloses a hanger system comprising a closed large volume flexible medical container (12) in a rigid box (tea pot) with means for upwardly biasing a top portion of flexible container (13 and 16) being connected to the rigid box (at 19) wherein the top portion of the flexible container has a diagonal seam (top seam with hole for string 13) connected to the means for upwardly biasing (13) approximately the middle or 50% of the length of the seam measured from the outer corner of the flexible container. Regarding claim 37, Thiekoetter's discloses a counterweight (15) connected to the top of the flexible container and that its flexible container have side walls capable of being in supportive contact with the sidewalls of the rigid box.

Claim 40 is rejected under 35 U.S.C. 102(b) as being anticipated by Derby (US patent no. 5,230,689) discloses a hanger system comprising a closed large volume flexible medical container (12) in a rigid box (92, figure 4) with elastic member assembly (32) connect to a top portion of flexible container.

Claim 40 is rejected under 35 U.S.C. 102(b) as being anticipated by Rings et al (US patent no. 5,382,117) discloses a hanger system comprising a closed large volume flexible medical container (4) in a rigid box (2) with elastic member assembly (8) connect to a top portion of flexible container. Rings' flexible container 4 is closed before opening (17) is made.

Claim Rejections - 35 USC § 103

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (US patent no. 3,194,471) in view of Derby (US patent no. 5,230,689). Murphy discloses a large volume flexible container (26) in a rigid box (29, figure 6) wherein the perimeter of the flexible container is greater than the perimeter of the box (see fold 32, 33, figure 4). However, Murphy does not disclose a hanger connected to a top portion of the container. Derby teaches a hanger system comprising a closed large volume flexible medical container (12) in a rigid box (92, figure 4) with hanger (32) connect to a top portion of flexible container. It would have been obvious to one of ordinary skill in the art to have provided hanger to the container of Murphy to facilitate a handle area for lifting as taught by Derby.

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Claims 12, 18-21, 23-31, 33, 35, 36, and 40-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Sasaki et al (US patent no. 5,788,121) in view of Love (US patent no. 4,306,668). Sasaki discloses a closed flexible bag (104) disposed in a rigid box with diagonal seams with hanger connections (14, figure 4) for receiving a hanger and disposed inwardly of the top perimeter edge of the bag. However, Sasaki does not disclose a hanger system of the elastic type attached to the box and the top of the bag at the hanger connections. Love discloses a hanger system for supporting a large volume flexible container in a box, the large volume flexible container defining a sterile barrier to an interior of the container having a top side having a top outer perimeter edge and sidewalls in supportive contact with sidewalls (14, 15) of the box, the system comprising a container hanger (16, 17, figure 5) of the elastic type connected to the box and to a portion of the top side of the flexible container spaced inward from the top outer perimeter edge (figure 5) and applying an upward force to the portion of the flexible container during filling (col. 4, lines 17-20) wherein the flexible container has a perimeter greater than the perimeter of the box in the unstretched condition of the box along the same plane such that the bag is supported by the wall of the box. It would have been obvious to one of ordinary skill in the art to have provide Sasaki's bag-in-box system with elastic hanger for suspending the bag during filling and to provide a bag perimeter greater than the box perimeter such that the bag wall is supported by the box walls as taught to be desirable by Love. Further it would have been an obvious matter of design choice to have the hanger connection at 35%-65% of

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the length of the seam measured from the outer corner of the flexible container and to have a provide an interior volume of 200 liters.

After further reconsideration, the previously indicated allowable claim 38 is rejected as indicated above.

Claims 38 and 39 are allowed.

Claim 32 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 3/25/2005 have been fully considered but they are not persuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Korie H. Chan
Primary Examiner
Art Unit 3632

khc
June 24, 2005